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UNITED STATES  
HOUSE OF REPRESENTATIVES

ROSA L. DELAURO

3RD DISTRICT, CONNECTICUT

October 28, 2015

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Director Shaun Donovan  
The Office of Management and Budget  
725 17th St., NW Washington, DC  
Washington, DC 20503

Re: Final Rule on "Tobacco Products" Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act

Dear Director Donovan:

As a Member of Congress one of my goals is to protect the nation's youth from the dangers of tobacco use. It has now been over six years since Congress passed the Family Smoking Prevention and Tobacco Control Act; yet, there are still many kinds of tobacco products that remain unregulated and youth are using those products at disturbing rates. Last Monday OMB received the final "deeming rule" from FDA that would bring all tobacco products under FDA's jurisdiction, including cigars, e-cigarettes, and hookahs. We have been waiting nearly two years for this rule to be finalized. Our children cannot wait any longer – I urge you to clear the final deeming regulation before the end of November.

The Centers for Disease Control and Prevention (CDC) released data earlier this year showing that cigarette use among high school students declined from 2011-2014 to 9.2% which is good news. However, the news was not all good – during that same time e-cigarette use among high school students tripled to 13.4%, and e-cigarettes are now the most-used tobacco product by high school students. Hookah use also increased from 2013 to 2014 to 9.4% for high school students. Further, while cigar use is down, youth still use cigars at obstinately high rates – 8.2% of high school students have used a cigar in the last 30 days. More must be done to drive those rates down. Cigars are a combustible tobacco product with nearly all the same terrible health effects of cigarettes. Yet few, if any, of the restrictions we use to drive cigarette rates down apply to cigars.

This data highlights that we must have regulations to protect our youth from these products. We need to know what is in these products, who is making them, and how they are being marketed. Once the deeming rule is finalized it will shed light on some of these questions and end the "Wild West" situation we have with all these unregulated products.

The deeming regulation is merely a first step. The Administration must do all it can to reduce the access and the appeal of these products to youth, address internet sales, restrict flavors, and bar self-service displays that put colorful tobacco products alongside candy and other products children purchase. Finally, FDA must enforce youth access provisions to keep these products out

of the hands of our children. FDA cannot do any of these things until the deeming regulation is finalized.

In closing, I once again urge you to clear the final deeming rule as soon as possible to bring all tobacco products under FDA's authority. If we are to reduce tobacco-related death and disease, OMB must enable FDA to act to protect the nation's youth from all forms of tobacco.

Sincerely,

A handwritten signature in blue ink that reads "Rosa L. DeLauro". The signature is written in a cursive, flowing style.

Rosa L. DeLauro  
Member of Congress